

From: Jennings, Jannine
Sent: Thursday, March 13, 2014 2:43 PM
To: Kelly Wright; Rochlin, Kevin
Cc: Sheldrake, Beth; Arnold Appeney; susanh@ida.net; Virginia Monsisco; Slater, Mike; Solis, Ricardo
Subject: RE: EMF Funding
Attachments: NPTCD Approval - R10 Deviation (V-00J82701801901) 40 CFR356275 pre award....pdf

Kelly

Kelly,

We have just received the approval of your request for Pre-award costs on all three cooperative agreements. This approval covers expenses incurred under the scope of work of these 3 agreements since January 1, 2014. A copy of the approval is attached and has been forwarded to our grants office. I hope that this action will allow your continued participation in activities at these Sites.

The application packets for the Simplot and FMC Operable Units have been sent to the grants office for processing. We have asked them to process the award agreements at the requested level of funding minus that identified for vehicle expenses. While this will require a future adjustment to the grant, it does allow the funding package to move forward while further information is gathered and reviewed. I will check with our grants office regarding the status of their action on these 2 awards.

Kevin will be taking the lead in the CERCLA review of the vehicle costs and coordinating that effort with Mike Slater and others. You should be hearing from him in the near future.

Jannine

Jannine Jennings
EPA Remedial Project Manager
206-553-2724
jennings.jannine@epa.gov

From: Kelly Wright [mailto:kwright@sbtribes.com]
Sent: Thursday, March 13, 2014 1:28 PM
To: Rochlin, Kevin; Jennings, Jannine
Cc: Sheldrake, Beth; Arnold Appeney; susanh@ida.net; Virginia Monsisco; Slater, Mike
Subject: EMF Funding

The Tribes received notice for the Off-Site funding but have not seen anything with regards to the Simplot or FMC Operable Units. Until funding becomes available, I am requesting that any and all comments being requested are postponed for at least a month so the Tribes can ensure that we have available resources to address our concerns.

We are also looking to hear back from you about the details provided for purchasing a vehicle with these resources. I have included our remedial Project Officer for our Brownfields Response Grant because he would like to know if any of the other EPA Resources are going to be assisting with these cost. He has also asked for additional details be provided such as:

- Need to estimate the useful life of the new truck if purchased versus the lease costs over the same time period.
- Provide some advertisements or website links to actual trucks to verify the cost estimate.
- what would happen to the truck if the grants you have run out and are not renewed?
- Would it still be used to support the EWMP? And
- Let me know when you get concurrence from the other EPA grant project officers and we will confirm with the grants administration unit that this is approved and update our grant files.

I am working on getting this information ready for him and will be providing each of you copies for inclusion into each of the cooperative agreements.

Thanks

Kelly




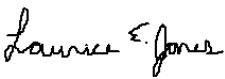
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ADMINISTRATION
AND RESOURCE
MANAGEMENT

March 11, 2014

MEMORANDUM

SUBJECT: Request for Deviation from 40 CFR 35.6275
Allowance of Pre-Award Costs
New Eastern Michaud Flats (EMF) Superfund Site Remedial Response Cooperative
Agreements V-00J82701-0, V-00182801-0 and V-00182901-0 to Shoshone Bannock
Tribes

FROM:  Denise A. Polk, Director 
National Policy, Training and Compliance Division

TO: Edward Chu
Assistant Regional Administrator
EPA Region 10

I am responding to your request for a deviation from the period of availability of funds requirements in 40 CFR 35.6275. A deviation from this regulatory requirement would allow Shoshone-Bannock Tribes to request EPA's written approval to charge costs incurred on this cooperative agreement as of January 1, 2014, which is prior to the agreement's award date.

BACKGROUND

The EPA is in the process of issuing three new cooperative agreements to the Shoshone-Bannock Tribes (Tribes) which provide funding for the Tribes to review and oversee CERCLA activities at each Operable Unit at the Eastern Michaud Flats Superfund Site (Site).

The Tribes felt compelled to initiate work prior to award date in order to provide appropriate input to the EPA regarding on-going Site activities and to provide updates of Site activities to the Tribal community and Tribal Council. The Tribes and the EPA caused unanticipated delays in award of these agreements; however, had the new cooperative agreements been in place, the EPA would have approved the pre-award work and associated costs by the Tribes. This work was and is vital to the success of the ongoing remediation at the Site.

ACTION

I have reviewed this request for a deviation from the period of availability of funds requirements of 40 CFR 35.6275. Based on the representations of the program office, the deviation is needed in order for EPA to consider whether the costs incurred on this cooperative agreement are allowable as of January 1,

2014, before the Award Official signed the assistance agreement. I, therefore, approve this deviation request.

cc: Howard Corcoran, Office of Grants and Debarment
Laurice Jones, Office of Grants and Debarment
Alexandra Raver, Office of Grants and Debarment
Lauren Lovett, Office of General Counsel
Wendel Askew, Office of General Counsel
Yolanda Singer, Office of Solid Waste and Emergency Response
Barbara McDonough, Office of Solid Waste and Emergency Response
Kari Bilal, Office of Solid Waste and Emergency Response
Jannine Jennings, Region 10
Kevin Rochlin, Region 10